IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 166 OF 2007

MOHAMMED RAIS SHAHJADE ANSARI
@ KALYA PAPPU .. PETITIONER

Versus

SHRI A. N. ROY & ORS... .. RESPONDENTS

Ms. Mallika Ingale for petitioner
Mr. M. S. Mhambre, APP

CORAM:-SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED:-6/2/2007

P.C.

. The petitioner is detained under the provisions of Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Act, 1981.

2. In this petition the petitioner has prayed that he may be released for temporary period of two months as his wife is due to deliver a child around 9th February, 2007.

3. We have heard Ms. Ingale, the learned counsel for the petitioner. She submitted that the petitioner’s wife had a fall in the last week of

December, 2006. She further submitted that there are two minor children and there is nobody to lookafter them except the old mother. The learned counsel further submitted that in order to give financial and moral support to the wife the petitioner may be released for temporary period of two months.

4. The learned APP on the instructions from Mr. C. B. Takar, API, Shivaji Nagar, Govandi, Mumbai, has stated that petitioner's mother-in-law is staying just in the adjoining house and she is very much there to take care of the petitioner's wife. In the circumstances, the application may be rejected.

5. In our opinion, no case is made out for grant of application for temporary release. The petitioner's wife had a fall in December, 2006. The certificates annexed to the petition do not indicate that there is any danger to the petitioner's wife. Considering the fact that the mother-in-law of the petitioner is there to take care of the petitioner's wife, the present application cannot be granted and is rejected.

JUDGE.